

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

|  |   |   |                  |
|--|---|---|------------------|
| Applicant's or agent's file reference<br>AMG167WO  | <b>FOR FURTHER ACTION</b>   |   | See item 4 below |
| International application No.<br>PCT/EP2004/003269   | International filing date ( <i>day/month/year</i> )<br>26 March 2004 (26.03.2004) | Priority date ( <i>day/month/year</i> )<br>16 April 2003 (16.04.2003) |                  |
| International Patent Classification (8th edition unless older edition indicated)<br>See relevant information in Form PCT/ISA/237 |   |   |                  |
| Applicant<br>AMI AGROLINZ MELAMINE INTERNATIONAL GMBH  |   |   |                  |

|  |   |                     |  |          |                                      |  |                                     |                            |   |   |  |                         |                                      |  |                                       |   |
|--|---|---------------------|--|----------|--------------------------------------|--|-------------------------------------|----------------------------|---|---|--|-------------------------|--------------------------------------|--|---------------------------------------|---|
| <p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>  |   |                     |  |          |                                      |  |                                     |                            |   |   |  |                         |                                      |  |                                       |   |
| <p>3. This report contains indications relating to the following items:</p> <table> <tbody> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </tbody> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p> | <input checked="" type="checkbox"/> Box No. I   | Basis of the report | <input checked="" type="checkbox"/> Box No. II | Priority | <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input checked="" type="checkbox"/> Box No. VI | Certain documents cited | <input type="checkbox"/> Box No. VII | Certain defects in the international application | <input type="checkbox"/> Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/> Box No. I  | Basis of the report   |                     |  |          |                                      |  |                                     |                            |   |   |  |                         |                                      |  |                                       |   |
| <input checked="" type="checkbox"/> Box No. II   | Priority  |                     |  |          |                                      |  |                                     |                            |   |   |  |                         |                                      |  |                                       |   |
| <input type="checkbox"/> Box No. III   | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |                     |  |          |                                      |  |                                     |                            |   |   |  |                         |                                      |  |                                       |   |
| <input type="checkbox"/> Box No. IV  | Lack of unity of invention  |                     |  |          |                                      |  |                                     |                            |   |   |  |                         |                                      |  |                                       |   |
| <input checked="" type="checkbox"/> Box No. V  | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |                     |  |          |                                      |  |                                     |                            |   |   |  |                         |                                      |  |                                       |   |
| <input checked="" type="checkbox"/> Box No. VI   | Certain documents cited   |                     |  |          |                                      |  |                                     |                            |   |   |  |                         |                                      |  |                                       |   |
| <input type="checkbox"/> Box No. VII   | Certain defects in the international application  |                     |  |          |                                      |  |                                     |                            |   |   |  |                         |                                      |  |                                       |   |
| <input type="checkbox"/> Box No. VIII  | Certain observations on the international application   |                     |  |          |                                      |  |                                     |                            |   |   |  |                         |                                      |  |                                       |   |

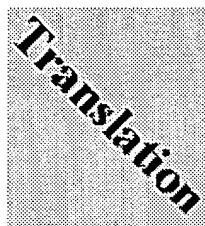
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|   | Date of issuance of this report<br>02 March 2006 (02.03.2006)                  |
| The International Bureau of WIPO<br>34, chemin des Colombettes<br>1211 Geneva 20, Switzerland<br><br>Facsimile No. +41 22 740 14 35 | Authorized officer<br><br>Yolaine Cussac<br><br>Telephone No. +41 22 338 70 80 |

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

**PCT**



## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

|   |   |   |
|---|---|---|
|   |   | Date of mailing<br>(day/month/year)                 |
| Applicant's or agent's file reference<br><b>AMG167WO</b>                          |   | <b>FOR FURTHER ACTION</b><br>See paragraph 2 below  |
| International application No.<br><b>PCT/EP2004/003269</b>                         | International filing date (day/month/year)<br><b>26.03.2004</b> | Priority date (day/month/year)<br><b>16.04.2003</b> |
| International Patent Classification (IPC) or both national classification and IPC |   |   |
| Applicant<br><b>AMI AGROLINZ MELAMINE INTERNATIONAL GMBH</b>                      |   |   |

|   |
|---|
| <p>1. This opinion contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Box No. I Basis of the opinion</li> <li><input checked="" type="checkbox"/> Box No. II Priority</li> <li><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li><input type="checkbox"/> Box No. IV Lack of unity of invention</li> <li><input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li><input checked="" type="checkbox"/> Box No. VI Certain documents cited</li> <li><input type="checkbox"/> Box No. VII Certain defects in the international application</li> <li><input type="checkbox"/> Box No. VIII Certain observations on the international application</li> </ul> <p>2. <b>FURTHER ACTION</b></p> <p>If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p> <p>3. For further details, see notes to Form PCT/ISA/220.</p> |
|---|

|  |                    |
|--|--------------------|
| Name and mailing address of the ISA/EP | Authorized officer |
| Facsimile No.                          | Telephone No.      |

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/003269

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material
    - a sequence listing
    - table(s) related to the sequence listing
  - b. format of material
    - in written format
    - in computer readable form
  - c. time of filing/furnishing
    - contained in the international application as filed.
    - filed together with the international application in computer readable form.
    - furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/003269

Box No. II Priority

1.  The following document has not yet been furnished:

- copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).  
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

1. At this time of writing it is unclear if the priority documents have been submitted. Should this not be the case, applicant is asked to submit priority documents in compliance with the corresponding deadlines.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

|                               |                   |
|-------------------------------|-------------------|
| International application No. | PCT/EP2004/003269 |
|-------------------------------|-------------------|

|           |   |
|-----------|---|
| Box No. V | <b>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b> |
|-----------|---|

**1. Statement**

|                               |                      |     |
|-------------------------------|----------------------|-----|
| Novelty (N)                   | Claims <u>1, 23</u>  | YES |
|                               | Claims <u>24, 25</u> | NO  |
| Inventive step (IS)           | Claims <u>1-23</u>   | YES |
|                               | Claims <u>24, 25</u> | NO  |
| Industrial applicability (IA) | Claims <u>1-25</u>   | YES |
|                               | Claims _____         | NO  |

**2. Citations and explanations:**

Reference is made to the following documents:

D1: DE 25 16 349 A (CASSELLA FARBWERKE MAINKUR AG) 28

October 1976 (1976-10-28)

D2: EP-A-O 062 179 (CASSELLA FARBWERKE MAINKUR AG) 13

October 1 982 (1982-10-13)

**1. Novelty:**

Documents **D1** and **D2** independently disclose examples of liquid melamine resins, produced by synthesising melamine, at least one aldehyde and at least one alcohol.

The applicant is reminded that it cannot be determined whether a melamine resin was synthesised by means of a continuous or discontinuous method.

Both documents additionally disclose applications for melamine resins which are the same as those disclosed by present claim 24 (see claims in **D2** and pages 2 and 3 of **D1**).

For this reason claims 24 and 25 lack novelty.

As previously mentioned, document D1, which can be

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

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Box No. V      Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

regarded as closest prior art, discloses examples of the use of a discontinuous method for synthesising liquid melamine resins. Page 8, paragraph 2 of D1 also discloses that the method can be applied as a continuous method.

However, D1 does not disclose the use of a solid-liquid phase separation device and the feeding back of the liquid phase separated by this device into the reactor.

Therefore, the subject matter of present claims 1-23 is novel PCT Article 33(2).

**2. Inventive step:**

In comparison to prior art disclosed by D1, the objective problem can be seen as providing an alternative method for synthesising liquid melamine resins.

As neither D1, nor D2, nor any other known prior art document suggest the use of a solid-liquid phase separation device for continuous synthesis of a liquid melamine resin, the subject matter of the claims of the present application represents an inventive step pursuant to PCT Article 33(3).

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/EP2004/003269**

**Box No. VI      Certain documents cited**

**1. Certain published documents (Rule 43bis.1 and 70.10)**

| Application No.<br>Patent No. | Publication date<br>(day/month/year) | Filing date<br>(day/month/year) | Priority date (valid claim)<br>(day/month/year) |
|-------------------------------|--------------------------------------|---------------------------------|---|
|-------------------------------|--------------------------------------|---------------------------------|---|

**2. Non-written disclosures (Rule 43bis.1 and 70.9)**

| Kind of non-written disclosure | Date of non-written disclosure<br>(day/month/year) | Date of written disclosure<br>referring to non-written disclosure<br>(day/month/year) |
|--------------------------------|--|---|
|--------------------------------|--|---|